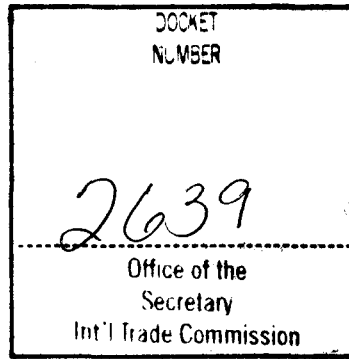


November 17, 2008

**BY HAND**

*CBI: 09-066*

The Honorable Marilyn R. Abbott  
Secretary  
U.S. International Trade Commission  
500 E. Street S.W., Room 112  
Washington, D.C. 20436



**Michael D. Esch**

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michael.esch@wilmerhale.com

Re: Certain Mobile Telephones and Wireless Communication Devices Featuring Digital Cameras, and Components Thereof, Inv. No. 337-TA-

Dear Secretary Abbott:

Enclosed for filing on behalf of Complainant Eastman Kodak Company ("Kodak") are the following documents in support of Kodak's request that the Commission commence an investigation under Section 337 of the Tariff Act of 1930, as amended. A request for confidential treatment of Confidential Exhibits 13, 32, 33, 34, and 35 is included with this filing.

The Exhibits to the Complaint contain certified copies of each of the asserted patents and the assignments to each of those patents. The Appendices to the Complaint contain certified copies of the prosecution histories for those patents.

Accordingly, Kodak submits the following documents:

1. An original and twelve (12) copies of Kodak's verified Complaint pursuant to 19 C.F.R. 201.6(c) and 210.8(a) (original and one copy unbound, without tabs, pursuant to 19 C.F.R. 201.8(d));
2. An original and six (6) copies of the confidential version of the exhibits to the Complaint pursuant to 19 C.F.R. 201.6(c) and 210.8(a) (original and one copy unbound, without tabs, pursuant to 19 C.F.R. 201.8(d));
3. An original and six (6) copies of the nonconfidential version of the exhibits to the Complaint pursuant to C.F.R. 210.4(f)(3)(i) and 210.8(a) (original and one copy unbound, without tabs, pursuant to 19 C.F.R. 201.8(d));
4. Six (6) additional copies of the Complaint and the accompanying nonconfidential exhibits for service upon proposed respondents; and six (6) additional copies of the confidential exhibits for service upon counsel for the respondents once

The Honorable Marilyn R. Abbott  
November 17, 2008  
Page 2

appropriate subscriptions to a protective order have been filed, pursuant to 19 C.F.R. 210.8(a);

5. One (1) additional copy of the Complaint and the accompanying nonconfidential exhibits for service on the embassy of the Republic of Korea, pursuant to 19 C.F.R. 210.8(a);
6. One (1) certified copy of U.S. Patent No. 5,493,335 ("the '335 patent") is included as Exhibit 1 to the Complaint;
7. Certified copies of the assignments for the '335 patent are included as Exhibit 10 to the Complaint;
8. One (1) certified copy and three (3) copies (on CDs) containing Appendix A, which is the U.S. Patent and Trademark Office prosecution history for the '335 patent, pursuant to 19 C.F.R. 210.12(c)(1);
9. Four (4) copies (on CDs) containing Appendix B, which includes all technical references mentioned in the prosecution history for the '335 patent, pursuant to 19 C.F.R. 210.12(c)(2);
10. One (1) certified copy of U.S. Patent No. 6,292,218 ("the '218 patent") is included as Exhibit 2 to the Complaint;
11. Certified copies of the assignments for the '218 patent are included as Exhibit 12 to the Complaint;
12. One (1) certified copy and three (3) CDs containing Appendix C, which is the U.S. Patent and Trademark Office prosecution history for the '218 patent, pursuant to 19 C.F.R. 210.12(c)(1);
13. Four (4) copies (on CDs) containing Appendix D, which includes all technical references mentioned in the prosecution history for the '218 patent, pursuant to 19 C.F.R. 210.12(c)(2);
14. A letter and certification pursuant to 19 C.F.R. 201.6(b) and 210.5(d) requesting confidential treatment of Confidential Exhibits 13, 32, 33, 34, and 35.

Please note that the signature on the Complaint's Verification submitted herewith is a photocopy. An original signature page will be submitted shortly.

The Honorable Marilyn R. Abbott  
November 17, 2008  
Page 3

Thank you for your attention in this matter. Please contact the undersigned if there are any questions pertaining to this submission.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael D. Esch". The signature is written in a cursive, flowing style.

Michael D. Esch

Counsel for  
Eastman Kodak Company

**REQUEST FOR CONFIDENTIAL TREATMENT**

**WILMERHALE**

November 17, 2008

**Michael D. Esch**

**BY HAND**

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The Honorable Marilyn R. Abbott  
Secretary  
U.S. International Trade Commission  
500 E. Street S.W., Room 112  
Washington, D.C. 20436

Re: Certain Mobile Telephones and Wireless Communication Devices Featuring  
Digital Cameras, and Components Thereof, Inv. No. 337-TA-

Dear Secretary Abbott:

In accordance with the requirements of 19 C.F.R. § 201.6 concerning Confidential Business Information, Complainant Eastman Kodak Company (“Kodak”) hereby requests confidential treatment of the business information contained in Confidential Exhibits 13, 32, 33, 34, and 35.

The information for which confidential treatment is sought is proprietary commercial and technical information, specifically:

1. Identification of licensees to the ‘335 and ‘218 patents (Exhibit 13);
2. Data reflecting Kodak’s expenditures in research and development in connection with the domestic industry products (Exhibit 32);
3. Number of Kodak employees engaged in activities related to domestic industry products (Exhibit 32);
4. Data reflecting Kodak’s sales revenues from its Consumer Digital Imaging Group, including digital camera sales (Exhibit 33);
5. Data reflecting Kodak’s expenditures in its licensing program for digital imaging patents, including the ‘335 and ‘218 patents (Exhibit 34);
6. Data reflecting Kodak’s revenues from its licensing program for digital imaging patents, including the ‘335 and ‘218 patents (Exhibit 35).

19 C.F.R. §§ 201.6(a)(1) and 201.6(b)(3)(i).

The business information described herein qualifies as confidential business information since substantially identical information is not available to the public, and its disclosure would likely impair the Commission’s ability to obtain information necessary to perform its statutory

**REQUEST FOR CONFIDENTIAL TREATMENT**

The Honorable Marilyn R. Abbott  
November 17, 2008  
Page 2

functions as well as cause substantial harm to the competitive position of Complainant. 19  
C.F.R. §§ 201.6(a), (b)(3)(ii), (b)(3)(iii).

Attached is the requisite certification relating to confidentiality.

Thank you for your attention in this matter. Please contact the undersigned if there are  
any questions pertaining to this submission.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael D. Esch". The signature is written in a cursive, flowing style.

Michael D. Esch

Counsel for  
Eastman Kodak Company

Attachment

# CERTIFICATION

I, Michael D. Esch, Attorney for Eastman Kodak Company, declare:

1. I am duly authorized to execute this certification.
2. I have reviewed Confidential Exhibits 13, 32, 33, 34, and 35, for which confidential treatment has been requested.
3. To the best of my knowledge, information, and belief, founded after reasonable inquiry, substantially identical information is not available to the public.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 17th day of November, 2008, in Washington, D.C.

A handwritten signature in black ink, reading "Michael D. Esch", written in a cursive style.

---

Michael D. Esch

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.**

**In the Matter of**

**CERTAIN MOBILE TELEPHONES AND  
WIRELESS COMMUNICATION  
DEVICES FEATURING DIGITAL  
CAMERAS, AND COMPONENTS  
THEREOF**

**Inv. No. 337-TA-\_\_\_\_\_**

**COMPLAINT UNDER SECTION 337 OF  
THE TARIFF ACT OF 1930, AS AMENDED**

**Complainant:**

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Proposed Respondents (cont'd):

LG Electronics MobileComm USA, Inc.  
10101 Old Grove Road  
San Diego, CA 92131  
Tel: (858) 635-5300  
Fax: (858) 635-5376



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## EXHIBIT LIST

<u>Number</u>	<u>Description</u>
1.	Certified Copy of United States Patent No. 5,493,335 (“the ‘335 Patent”)
2.	Certified Copy of United States Patent No. 6,292,218 (“the ‘218 Patent”)
3.	Eastman Kodak Co. 2007 Annual Report (excerpts)
4.	Forbes.com, “For Everyday Photography, Cell Phones are Growing as Camera of Choice,” July 8, 2008
5.	Samsung Electronics Co., Ltd. 2007 Annual Report (excerpts)
6.	Samsung Telecommunications America – Contact Information
7.	LG Group, Inc. 2007 Annual Report (excerpts)
8.	LG Electronics, Inc. – September 30, 2007 Financial Statement
9.	LG Electronics MobileComm USA – “About Us” Company Profile
10.	Certified Copies of the Assignment Documents for the ‘335 Patent
11.	List of All Foreign Patents and All Foreign Patent Applications Corresponding to the ‘335 and ‘218 Patents and Their Prosecution Status
12.	Certified Copies of the Assignment Documents for the ‘218 Patent
13.	<u>Confidential</u> : Kodak Licensees to the ‘335 and ‘218 Patents
14.	Claim Chart Applying Claims 1 and 4 of the ‘335 Patent to the Samsung SGH-i617 (BlackJack II) <ul style="list-style-type: none"><li>A. Samsung SGH-i617 (BlackJack II) Product Specification</li><li>B. United States Patent No. 3,971,065</li><li>C. Samsung Product Selection Guide: Memory and Storage</li><li>D. Qualcomm MSM6260 Chipset Solution</li></ul>
15.	Print-outs from the LetsTalk.com website for Samsung SGH-i617 (BlackJack II)
16.	February 1, 2005 Letter to Samsung
17.	Website for Samsung SGH-i617 (BlackJack II)
18.	Warranty for Samsung SGH-i617 (BlackJack II)

## EXHIBIT LIST

<u>Number</u>	<u>Description</u>
19.	Claim Chart Applying Claim 15 of the '218 Patent to the Samsung SGH-i617 (BlackJack II)
	A. Samsung SGH-i617 (BlackJack II) Product Specification
	B. United States Patent No. 3,971,065
	C. Qualcomm MSM6260 Chipset Solution
	D. Qualcomm Qcamera Mobile Camera Solution
	E. Samsung SGH-i617 (BlackJack II) User Manual
	F. Samsung SGH-i617 (BlackJack II) Getting Started Guide
20.	February 9, 2004 Letter to Samsung
21.	Claim Chart Applying Claims 1 and 4 of the '335 Patent to the LG VX9700 (Dare)
	A. LG VX9700 (Dare) Data Sheet
	B. LG VX9700 (Dare) User Guide
	C. United States Patent No. 3,971,065
	D. Qualcomm MSM6800 Data Sheet
22.	LG Authorized Agents
23.	February 2, 2004 Letter to LG
24.	Website for LG VX9700 (Dare)
25.	Warranty for LG VX9700 (Dare)
26.	Claim Chart Applying Claim 15 of the '218 Patent to the LG VX9700 (Dare)
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	B. United States Patent No. 3,971,065
	C. Qualcomm MSM6800 Data Sheet
	D. LG VX9700 (Dare) Specification Sheet

## EXHIBIT LIST

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	E. LG VX9700 (Dare) User Guide
27.	Receipt for Samsung SGH-i617 (BlackJack II) purchased on August 24, 2008
28.	Photographs of the Physical Casing of Samsung SGH-i617 (BlackJack II)
29.	Receipt for LG VX9700 (Dare) purchased on November 5, 2008
30.	Photographs of the Physical Casing of LG VX9700 (Dare)
31.	Claim Chart Applying Claim 15 of the '218 Patent to the Kodak EasyShare Z1085 Camera
	A. Kodak EasyShare Z1085 Engineering Requirement Specification
	B. Kodak EasyShare Z1085 Extended User Guide
	C. Kodak EasyShare Z1085 Demo
32.	<u>Confidential</u> : Kodak Expenditures on Research and Development in Connection with Domestic Industry Products
33.	<u>Confidential</u> : Sales Revenues from Kodak's Consumer Digital Imaging Group, Including Digital Camera Sales, in the U.S. from 2005 to 2007
34.	<u>Confidential</u> : Kodak Expenditures in its Licensing Program for Digital Imaging Patents, Including the '335 and '218 Patents
35.	<u>Confidential</u> : Kodak Revenues from its Licensing Program for Digital Imaging Patents, Including the '335 and '218 Patents

## APPENDICES

- A. Certified Prosecution History of the '335 Patent
- B. Technical References in the Prosecution History of the '335 Patent
- C. Certified Prosecution History of the '218 Patent
- D. Technical References in the Prosecution History of the '218 Patent

## **I. INTRODUCTION**

1. Eastman Kodak Company (“Kodak” or “Complainant”) files this Complaint pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), based on the unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain mobile telephones and wireless communication devices featuring digital cameras, and components thereof (hereinafter “mobile devices”).

2. The proposed respondents (collectively, “Respondents”) are Samsung Electronics Company, Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, Inc. (collectively, “Samsung”), as well as LG Electronics, Inc., LG Electronics USA, Inc., and LG Electronics MobileComm USA, Inc. (collectively, “LG”).

3. This Complaint is directed to certain accused products, including mobile devices, that infringe at least claims 1 and 4 of United States Patent No. 5,493,335 (“the ‘335 patent”) and at least claims 15, 23, 24, 25, 26, and 27 of United States Patent No. 6,292,218 (“the ‘218 patent”). Upon further investigation and discovery, Kodak may identify additional accused products and/or seek to assert additional claims. Certified copies of the ‘335 and ‘218 patents are attached to this Complaint as Exhibits 1 and 2, respectively.

4. By this Complaint, Kodak seeks as permanent relief an order excluding from entry into the United States all Samsung and LG mobile devices, and components thereof, that infringe one or more of the claims of the ‘335 and ‘218 patents (collectively referred to as the “Accused Devices”). Kodak also seeks, pursuant to Section 337(f), permanent cease and desist orders, prohibiting the importation into the United States, sale, offer for sale, or marketing within the United States of the Accused Devices.

## **II. THE PARTIES**

### **A. Complainant Eastman Kodak Company.**

5. Complainant Kodak is a New Jersey corporation with its principal place of business at 343 State Street, Rochester, New York, 14650. Excerpts from Kodak's 2007 Annual Report, with further information about the company, are attached to this Complaint as Exhibit 3.

6. Founded in 1892, Kodak has a long history of innovation in photography and image processing. Among many other significant inventions, Kodak and its founder, George Eastman, invented photographic plates in 1879, the hand-held camera in 1888, and roll-up film in 1883. Kodak engineers also designed and built the camera that Neil Armstrong used on the first walk on the moon.

7. Kodak's innovations have continued in the age of digital photography. In 1977, Kodak designed and built the first operating digital camera. Since then, Kodak has invested billions of dollars into the research and development of digital imaging technology. Between 2005 and 2007 alone, for instance, Kodak invested nearly \$829 million in the research and development of its consumer digital imaging products. See Exhibit 3 (Kodak 2007 Annual Report) at 8, 25, 30. Kodak's significant investment in research and development has resulted in a continuing stream of improvements to digital imaging technology – improvements which have led to more than 1,000 Kodak patents in the field of digital imaging, including the two patents asserted in this Complaint.

8. The market has recognized the value of Kodak's digital cameras and supporting products. In 2007, Kodak generated U.S. revenues of \$2.5 billion from the sale of its consumer digital imaging products. See Exhibit 3 (Kodak 2007 Annual Report) at 21. That year, Kodak was in the top three market position for digital cameras worldwide. See *id.* at 25. Recognizing



the value of Kodak's innovations, most competitors in the consumer digital space have taken licenses to Kodak's digital imaging patents.

9. As digital camera and other consumer electronics technology and products have developed, digital cameras have become smaller and have been featured, along with Kodak's other digital imaging innovations, with other products. For example, in a recent survey, "96.3% of adult cell phone users report that they have a cell phone with a camera." See Exhibit 4 (Forbes.com, "For Everyday Photography, Cell Phones are Growing as Camera of Choice," July 8, 2008). The combination of a digital camera and a mobile telephone is now commonplace.

**B. Proposed Respondents Samsung Electronics Company, Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, Inc.**

10. Respondent Samsung Electronics Company, Ltd. is a public limited liability company incorporated under the laws of South Korea, with its principal executive offices at 250, Taepyeongno 2-ga, Jung-gu, Seoul 100-742 Korea. See Exhibit 5 (Samsung 2007 Annual Report) at 133. Samsung Electronics Company, Ltd. designs, manufactures, and sells mobile devices. See Exhibit 5 (Samsung 2007 Annual Report) at 40.

11. Respondent Samsung Electronics America, Inc. is a New York corporation with its principal place of business at 105 Challenger Road, Ridgefield Park, NJ 07660. Samsung Electronics America, Inc. is a wholly owned subsidiary of Samsung Electronics Company, Ltd. See Exhibit 5 (Samsung 2007 Annual Report) at 133.

12. Respondent Samsung Telecommunications America, Inc. is a Delaware corporation with its principal place of business at 1301 Lookout Drive, Richardson, TX 75082. Samsung Telecommunications America, Inc. is a wholly owned subsidiary of Samsung Electronics Company, Ltd. See Exhibit 5 (Samsung 2007 Annual Report) at 136; Exhibit 6 ([http://www.samsung.com/us/info/pop\\_contactus\\_telecom.html](http://www.samsung.com/us/info/pop_contactus_telecom.html)).

13. Samsung's Accused Devices feature digital cameras. Such devices include, but are not limited to, the following models of mobile devices: SCH-a series, SCH-r series, SCH-u series, SGH-a series, SGH-c series, SGH-i series, SGH-t series, SPH-a series, and SPH-m series.<sup>1</sup> These Accused Devices infringe the '335 and '218 patents.<sup>2</sup>

14. Samsung has its mobile devices manufactured and assembled at facilities located outside the United States. Samsung imports these mobile devices into the United States for sale, or sells these products for importation into the United States. As set forth in detail in paragraphs 39 – 58 and the exhibits referenced therein, Kodak's analysis demonstrates that these mobile devices infringe one or more claims of the '335 and '218 patents.

**C. Proposed Respondents LG Electronics, Inc., LG Electronics USA, Inc., and LG Electronics MobileComm USA**

15. Respondent LG Electronics, Inc. is a publicly-traded corporation organized under the laws of South Korea, with its principal executive offices at LG Twin Towers, 20, Yeouido-dong, Yeongdeungpo-gu, Seoul 150-721 Korea. LG Electronics, Inc. is a wholly-owned subsidiary of LG Group, Inc. See Exhibit 7 (LG Group 2007 Annual Report) at 16. LG Electronics, Inc. designs, manufactures, and sells mobile devices. See Exhibit 7 (LG Group Annual Report) at 14-15, 17.

16. Respondent LG Electronics USA, Inc. is a Delaware corporation with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. LG Electronics

---

<sup>1</sup> The Accused Devices include, but are not limited to, the following Samsung mobile telephones: SCH-a870, SCH-a930, SCH-r430, SCH-r500, SCH-r610, SCH-u340, SCH-u410, SCH-u470, SCH-u540, SCH-u620, SCH-u700, SCH-u706 (Muse), SCH-u740, SCH-u900 (FlipShot), SCH-u940 (Glyde), SGH-a127, SGH-a437, SGH-a517, SGH-a727, SGH-a737, SGH-a747, SGH-c417, SGH-i617 (BlackJack II), SGH-t609, SGH-t619, SGH-t629, SGH-t709, SGH-t719, SGH-t809, SPH-a740, SPH-a800, SPH-a840, SPH-a880, SPH-a900, SPH-a920, SPH-a940, and SPH-m800 (Instinct).

<sup>2</sup> Paragraphs 39 and 49 identify the models of mobile telephones accused of infringing the '335 and '218 patents, respectively.

USA, Inc. is a wholly owned subsidiary of LG Electronics, Inc. See Exhibit 7 (LG Group Annual Report) at 63.

17. Respondent LG Electronics MobileComm USA is a California corporation with its principal place of business at 10101 Old Grove Road, San Diego, California 92131. LG Electronics MobileComm USA is a wholly owned subsidiary of LG Electronics USA, Inc. See Exhibit 8 (LG Electronics, Inc. September 30, 2007 Financial Statement) at 14; Exhibit 9 (<http://mobilephones.us.lge.com/aboutus.aspx>).

18. LG's Accused Devices feature digital cameras. Such devices include, but are not limited to, the following models of mobile devices bearing the following model numbers: VX9700 (Dare), CU720 (Shine), VX8800 (Venus), and CU515. These Accused Devices infringe the Asserted Patents.<sup>3</sup>

19. LG has its mobile devices manufactured and assembled at facilities located outside the United States. LG imports these mobile devices into the United States for sale, or sells these products for importation into the United States. As set forth in detail in paragraphs 59 – 78 and the exhibits referenced therein, Kodak's analysis demonstrates that these mobile devices infringe one or more claims of the '335 and '218 patents.

### **III. NON-TECHNICAL DESCRIPTIONS OF THE PATENTED TECHNOLOGY**

#### **A. Background**

20. Unlike traditional cameras (which capture a photographed scene using film), most digital cameras today capture images through an image sensor such as a "charge-coupled device" ("CCD") or "complementary metal-oxide-semiconductor" ("CMOS"), which use millions of light-sensitive photosensors (called "pixels") to record the intensity of the light passing through

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<sup>3</sup> Paragraphs 59 and 69 identify the models of mobile telephones accused of infringing the '335 and '218 patents, respectively.

the camera lens when the user presses the shutter button. Because a CCD or CMOS only registers the intensity (not the color) of the incoming light, each sensor pixel is typically coated with a green, red, or blue filter (called a “color filter array” or CFA) that can be used to determine the specific colors appearing in the photographed scene. The captured color pixel information (initially stored by the CCD or CMOS as an electrical charge) is then converted and processed to generate the final color image that is stored as a digital data file in the camera’s internal memory or in removable memory.

21. Today’s digital cameras also include a small monitor or display, which allows a user to preview the scene before taking a picture, and to view the captured image after taking the picture. The display has a much lower resolution than the resolution of the CCD and/or CMOS or the resolution of the image stored in the digital data file.

22. The resolution of a captured image depends, in part, on the quantity of pixels included in a digital camera’s CCD or CMOS. A digital camera containing a 50-megapixel CCD<sup>4</sup> or CMOS (meaning the CCD or CMOS can divide a scene into as many as 50 million different pixels), for example, can capture photographed images at a far higher resolution than the 3-megapixel, 5-megapixel, and 8-megapixel CCDs or CMOSs commonly found in many digital cameras today. Although a high resolution image will contain greater detail than a lower resolution image (of the same scene), the high resolution image also requires more processing power and more storage space.

23. Given these trade-offs between image quality and the need for processing/storage resources, different image resolutions are appropriate for different circumstances. A user wishing to produce a quality poster-size print of a photographed scene, for example, will need to

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<sup>4</sup> Kodak recently announced the first 50-megapixel CCD in July 2008.

capture a high resolution image. By contrast, a lower resolution setting is usually sufficient for smaller prints, and an even lower resolution setting can be used for images intended to be posted on the internet or included in an email. To accommodate these varying situations, today's digital cameras often allow users to select from two or more different resolution settings.

24. Having the ability to select different resolution settings is also a useful feature for handheld mobile wireless devices that feature digital cameras, such as mobile telephones. At certain times, users of these devices might wish to use a high resolution setting to capture print-quality digital images. At other times, however, users might choose to take a lower resolution image; for example, to save storage space or to avoid the additional time and expense associated with the wireless transmission of large data files over cell phone networks. For this reason, it is now common for camera-enabled mobile devices to offer multiple resolution modes.

#### **B. The '335 Patent**

25. The '335 patent describes and claims an image capture and processing device with an improved ability to generate reduced resolution images.

26. The specification describes one reduced resolution mode in which an image capture and processing device uses a color "image sensor" (e.g., a CCD with a color filter array) to capture pixel information from a photographed image. In this mode, a "controller" causes all of the captured color image pixel data to be converted into baseband signals and stored in a "buffer memory"; all signals representing the full-size image are then read from the buffer memory, subsampled, processed (e.g., compressed), and then stored in an "output memory" (e.g., a removable memory card and/or an internal device memory).

27. The specification also describes a second reduced resolution mode in which a controller subsamples the color image pixel data prior to storage in the buffer memory, and then stores only the resulting subsampled data in the buffer memory. Thereafter, only the subsampled

data from the reduced-resolution image is then processed (e.g., compressed) and stored in the output memory.

28. Among other advantages, generating reduced resolution images by subsampling the color image pixel data prior to storage in the buffer memory simplifies the processing of the images resulting in faster generation of reduced resolution images. The '335 patent enables a more efficient “burst mode” in which a camera can rapidly capture, process, and store a series of successive low resolution images. It also enables the generation of reduced resolution images that more accurately correspond to the color image pixel data initially captured by the sensor, and that therefore contain less noise or distortion that can result from processing.

### **C. The '218 Patent**

29. The '218 patent describes and claims an image capture and processing device with certain components for “previewing” the scene to be captured. The patent describes the use of two modes. A motion preview mode permits the device to produce preview images of the scene to be photographed. A still image mode enables the device to capture high quality still images. The motion preview mode uses a relatively simple image processing technique that operates at a higher rate and allows moving images to be displayed prior to image capture. The still mode uses a more complex digital image processing technique that operates at a slower rate but enables the device to capture high quality still images. In practice, the preview display is used to frame the scene to be photographed. When the user presses the capture button to take a picture, the device switches to the higher resolution still mode and the processor generates the digital image that is stored in a digital memory.

30. It is now common for image capture and processing devices to preview images on a liquid crystal display (“LCD”) or organic light-emitting diode (“OLED”) screen integrated into the device before capture. On many such devices, particularly those now featured in mobile

devices, the LCD or OLED screen replaces the traditional eyepiece viewfinder found on analog cameras.

#### **IV. THE PATENTS AT ISSUE**

##### **A. The '335 Patent**

31. On February 20, 1996, the Patent Office duly and legally issued the '335 patent, entitled "Single Sensor Color Camera with User Selectable Image Record Size." The '335 patent issued from U.S. Patent Application Serial No. 85,516, filed June 30, 1993 ("the '516 application"), and lists Kenneth A. Parulski, Richard M. Vogel, and Seishi Ohmori as the named inventors.

32. The prosecution history for the '335 patent and copies of each patent and the applicable pages of each technical reference mentioned in that prosecution history are being submitted with this Complaint. See Appendices A and B.

33. Kodak is the owner, by valid assignment, of all right, title and interest in and to the '335 patent (the inventors of the '335 patent assigned all right, title and interest in the '516 application to Kodak). The assignment was recorded with the U.S. PTO on August 30, 1993 (Reel/Frame: 006688/0797). Certified copies of the assignment documents for the '335 patent are attached to the Complaint as Exhibit 10.

34. A list of all foreign patents and all foreign patent applications corresponding to the '335 patent and their prosecution status is set forth in Exhibit 11.

##### **B. The '218 Patent**

35. On September 18, 2001, the Patent Office duly and legally issued the '218 patent, which is entitled "Electronic Camera for Initiating Capture of Still Images While Previewing Motion Images," and names Kenneth A. Parulski and Timothy J. Tredwell as inventors. The '218 patent issued from U.S. Patent Application Serial No. 08/895,094, filed July 16, 1997 ("the

‘094 application”), which is a division of U.S. Patent Application Serial No. 08/367,399, filed on December 30, 1994. The prosecution history for the ‘218 patent and copies of each patent and the applicable pages of each technical reference mentioned in that prosecution history are being submitted with this Complaint. See Appendices C and D.

36. Kodak is the owner, by valid assignment, of all right, title and interest in and to the ‘218 patent (the inventors assigned all right, title and interest in the ‘094 application to Kodak). The assignment was recorded with the U.S. PTO on March 6, 1995 (Reel/Frame: 007452/0575). Certified copies of the assignment documents for the ‘218 patent are attached to the Complaint as Exhibit 12.

37. A list of all foreign patents and all foreign patent applications corresponding to the ‘218 patent and their prosecution status is set forth in Exhibit 11.

**C. Licensing of the ‘335 and ‘218 Patents**

38. Kodak has licensed the ‘335 and ‘218 patents to the companies listed in Confidential Exhibit 13.

**V. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS – PATENT INFRINGEMENT**

**A. Samsung’s Infringement of the ‘335 Patent.**

39. Samsung directly infringes, contributes to infringement, and induces infringement with respect to at least claims 1 and 4 of the ‘335 patent. It does so through the importation for sale and/or the sale after importation of at least the following mobile device models: SCH-u706 (Muse), SCH-u900 (FlipShot), SCH-u940 (Glyde), SGH-a747, SGH-i617 (BlackJack II), and SPH-m800 (Instinct) (collectively, the “‘335 Accused Devices”). Upon information and belief, Samsung itself imports these mobile devices into the United States for sale in the United States.



40. Kodak analyzed Samsung's SGH-i617 (BlackJack II) mobile telephone and accompanying material to ascertain whether it infringes the '335 patent. A claim chart applying claim 4 of the '335 patent, including the limitations of claim 1, from which claim 4 depends, to the SGH-i617 (BlackJack II) mobile telephone is attached to this Complaint as Exhibit 14. Materials supporting the claim chart analysis are attached to this Complaint as Exhibits 14A to 14D.

### **1. Direct Infringement**

41. Samsung sells and offers for sale the '335 Accused Devices within the United States through, for example, authorized agents. See Exhibit 15 (Print-outs from LetsTalk Website). Kodak has purchased '335 Accused Devices, in the United States, directly from an interactive website hosted by an authorized agent.

42. Upon information and belief, Samsung sells and offers for sale the '335 Accused Devices to wireless system operators, distributors, and independent retailers in the United States.

43. Upon information and belief, Samsung imports into the United States at least the '335 Accused Devices.

44. Samsung therefore directly infringes at least claims 1 and 4 of the '335 patent through its importation for sale and/or sale after importation of the '335 Accused Devices.

### **2. Contributory Infringement**

45. Samsung also contributes to infringement of (and thereby infringes) at least claims 1 and 4 of the '335 patent in violation of 35 U.S.C. § 271 by selling within the United States, offering for sale within the United States, and/or importing components, including at least the '335 Accused Devices and the non-staple constituent parts of those devices, that embody a material part of the inventions described in the '335 patent. The '335 Accused Devices are known by Samsung to be especially made or especially adapted for use in infringement of the

‘335 patent. The ‘335 Accused Devices are not staple articles or commodities suitable for substantial, non-infringing use.

46. Specifically, Samsung sells the Accused Devices, with knowledge that the devices infringe, through wholesale channels to resellers and consumers. Consumers of the ‘335 Accused Devices directly infringe the ‘335 patent.

47. Kodak put Samsung on notice of the ‘335 patent and Samsung’s infringement thereof at least as early as February 1, 2005 through correspondence from Kodak’s representatives to Samsung. See Exhibit 16 (Letter to Samsung).

### **3. Inducement of Infringement**

48. Each of Samsung Electronics Company, Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, Inc. has also induced, and continues to induce, others to infringe the ‘335 patent in violation of 35 U.S.C § 271, by encouraging and facilitating others to perform actions known by Samsung to be acts of infringement of the ‘335 patent with intent that those performing the acts infringe the ‘335 patent. Samsung, upon information and belief, contracts for the distribution of the infringing mobile devices for sale such as by retail sales outlets, markets the ‘335 Accused Devices, creates and/or distributes user manuals for the ‘335 Accused Devices, and supplies warranty coverage for the ‘335 Accused Devices sold in the United States. See Exhibits 17, 18, and 19E.

#### **B. Samsung’s Infringement of the ‘218 Patent.**

49. Samsung directly infringes, contributes to infringement, and induces infringement with respect to at least claims 15, 23, 24, 25, 26, and 27 of the ‘218 patent. It does so through the importation for sale and/or the sale after importation of at least the mobile devices bearing the following model numbers: SCH-a series, SCH-r series, SCH-u series, SGH-a series, SGH-c series, SGH-i series, SGH-t series, SPH-a series, and SPH-m series (collectively, the “‘218

Accused Devices”).<sup>5</sup> Upon information and belief, Samsung itself imports these mobile devices into the United States for sale in the United States.

50. Kodak analyzed Samsung’s SGH-i617 (BlackJack II) mobile telephone and accompanying material to ascertain whether it infringes the ‘218 patent. A claim chart applying independent claim 15 of the ‘218 patent to the SGH-i617 (BlackJack II) mobile telephone is attached to this Complaint as Exhibit 19. Materials supporting the claim chart analysis are attached to this Complaint as Exhibits 19A to 19F.

### **1. Direct Infringement**

51. Samsung sells and offers for sale the ‘218 Accused Devices within the United States through, for example, authorized agents. See Exhibit 15 (Print-outs from LetsTalk Website). Kodak has purchased ‘218 Accused Devices, in the United States, directly from an interactive website hosted by an authorized agent.

52. Upon information and belief, Samsung sells and offers for sale the Accused Devices to wireless system operators, distributors, and independent retailers in the United States.

53. Upon information and belief, Samsung imports into the United States the ‘218 Accused Devices.

54. Samsung therefore directly infringes at least claims 15, 23, 24, 25, 26, and 27 of the ‘218 patent through its importation for sale and/or sale after importation of the Accused Devices.

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<sup>5</sup> The ‘218 Accused Devices include, but are not limited to, the following Samsung mobile telephones: SCH-a870, SCH-a930, SCH-r430, SCH-r500, SCH-r610, SCH-u340, SCH-u410, SCH-u470, SCH-u540, SCH-u620, SCH-u700, SCH-u706 (Muse), SCH-u740, SCH-u900 (FlipShot), SCH-u940 (Glyde), SGH-a127, SGH-a437, SGH-a517, SGH-a727, SGH-a737, SGH-a747, SGH-c417, SGH-i617 (BlackJack II), SGH-t609, SGH-t619, SGH-t629, SGH-t709, SGH-t719, SGH-t809, SPH-a740, SPH-a800, SPH-a840, SPH-a880, SPH-a900, SPH-a920, SPH-a940, and SPH-m800 (Instinct).

## **2. Contributory Infringement**

55. Samsung also contributes to infringement of (and thereby infringes) at least claims 15, 23, 24, 25, 26, and 27 of the '218 patent in violation of 35 U.S.C. § 271 by selling within the United States, offering for sale within the United States, and/or importing components, including at least the Accused Devices and the non-staple constituent parts of those devices, that embody a material part of the inventions described in the '218 patent. The Accused Devices are known by Samsung to be especially made or especially adapted for use in infringement of the '218 patent. The Accused Devices are not staple articles or commodities suitable for substantial, non-infringing use.

56. Specifically, Samsung sells the Accused Devices, with knowledge that the devices infringe, through wholesale channels to resellers and consumers. Consumers of the '218 Accused Devices directly infringe the '218 patent.

57. Kodak put Samsung on notice of the '218 patent and Samsung's infringement thereof at least as early as February 9, 2004 through correspondence from Kodak's representatives to Samsung. See Exhibit 20 (Letter to Samsung).

## **3. Inducement of Infringement**

58. Each of Samsung Electronics Company, Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, Inc. has also induced, and continues to induce, others to infringe the '218 patent in violation of 35 U.S.C § 271, by encouraging and facilitating others to perform actions known by Samsung to be acts of infringement of the '218 patent with intent that those performing the acts infringe the '218 patent. Samsung, upon information and belief, contracts for the distribution of the infringing mobile devices for sale such as by retail sales outlets, markets the '218 Accused Devices, creates and/or distributes user manuals for the

'218 Accused Devices, and supplies warranty coverage for the Accused Devices sold in the United States.

**C. LG's Infringement of the '335 Patent.**

59. LG directly infringes, contributes to infringement, and induces infringement with respect to at least claims 1 and 4 of the '335 patent. It does so through the importation for sale and/or the sale after importation of at least the VX9700 (Dare) mobile devices (the "'335 Accused Devices"). Upon information and belief, LG itself imports these mobile devices into the United States for sale in the United States.

60. Kodak analyzed LG's VX9700 (Dare) mobile telephone and accompanying material to ascertain whether it infringes the '335 patent. A claim chart applying claim 4 of the '335 patent, including the limitations of claim 1, from which claim 4 depends, to the VX9700 (Dare) mobile telephone is attached to this Complaint as Exhibit 21. Materials supporting the claim chart analysis are attached to this Complaint as Exhibits 21A to 21D.

**1. Direct Infringement**

61. LG sells and offers for sale the '335 Accused Devices within the United States through, for example, authorized agents. See Exhibit 22 (Print-outs from <http://us.lge.com/general/distributors.jsp>). Kodak has purchased '335 Accused Devices, in the United States, directly from an interactive website hosted by an authorized agent.

62. Upon information and belief, LG sells and offers for sale the '335 Accused Devices to wireless system operators, distributors, and independent retailers in the United States.

63. Upon information and belief, LG imports into the United States at least the '335 Accused Devices.

64. LG therefore directly infringes at least claims 1 and 4 of the '335 patent through its importation for sale and/or sale after importation of the '335 Accused Devices.

## **2. Contributory Infringement**

65. LG also contributes to infringement of (and thereby infringes) at least claims 1 and 4 of the '335 patent in violation of 35 U.S.C. § 271 by selling within the United States, offering for sale within the United States, and/or importing components, including at least the '335 Accused Devices and the non-staple constituent parts of those devices, that embody a material part of the inventions described in the '335 patent. The '335 Accused Devices are known by LG to be especially made or especially adapted for use in infringement of the '335 patent. The '335 Accused Devices are not staple articles or commodities suitable for substantial, non-infringing use.

66. Specifically, LG sells the Accused Devices, with knowledge that the devices infringe, through wholesale channels to resellers and consumers. Consumers of the '335 Accused Devices directly infringe the '335 patent.

67. Kodak put LG on notice of the '335 patent and LG's infringement thereof at least as early as February 2, 2004 through correspondence from Kodak's representatives to LG. See Exhibit 23 (Letter to LG).

## **3. Inducement of Infringement**

68. Each of LG Electronics, Inc., LG Electronics USA, Inc., and LG Electronics MobileComm USA, Inc. has also induced, and continues to induce, others to infringe the '335 patent in violation of 35 U.S.C § 271, by encouraging and facilitating others to perform actions known by LG to be acts of infringement of the '335 patent with intent that those performing the acts infringe the '335 patent. LG, upon information and belief, contracts for the distribution of the infringing mobile devices for sale such as by retail sales outlets, markets the '335 Accused Devices, creates and/or distributes user manuals for the '335 Accused Devices, and supplies

warranty coverage for the '335 Accused Devices sold in the United States. See Exhibits 24, 25, and 26E.

**D. LG's Infringement of the '218 Patent.**

69. LG directly infringes, contributes to infringement, and induces infringement with respect to at least claims 15, 23, 24, 25, 26, and 27 of the '218 patent. It does so through the importation for sale and/or the sale after importation of at least the following models of mobile devices: VX9700 (Dare), CU720 (Shine), VX8800 (Venus), and CU515 (collectively, the "'218 Accused Devices"). Upon information and belief, LG itself imports these mobile devices into the United States for sale in the United States.

70. Kodak analyzed LG's VX9700 (Dare) mobile telephone and accompanying material to ascertain whether it infringes the '218 patent. A claim chart applying independent claim 15 of the '218 patent to the VX9700 (Dare) mobile telephone is attached to this Complaint as Exhibit 26. Materials supporting the claim chart analysis are attached to this Complaint as Exhibits 26A to 26E.

**1. Direct Infringement**

71. LG sells and offers for sale the '218 Accused Devices within the United States through, for example, authorized agents. See Exhibit 22 (Print-outs from <http://us.lge.com/general/distributors.jsp>). Kodak has purchased '218 Accused Devices, in the United States, directly from an interactive website hosted by an authorized agent.

72. Upon information and belief, LG sells and offers for sale the Accused Devices to wireless system operators, distributors, and independent retailers in the United States.

73. Upon information and belief, LG imports into the United States the '218 Accused Devices.

74. LG therefore directly infringes at least claims 15, 23, 24, 25, 26, and 27 of the '218 patent through its importation for sale and/or sale after importation of the Accused Devices.

## **2. Contributory Infringement**

75. LG also contributes to infringement of (and thereby infringes) at least claims 15, 23, 24, 25, 26, and 27 of the '218 patent in violation of 35 U.S.C. § 271 by selling within the United States, offering for sale within the United States, and/or importing components, including at least the Accused Devices and the non-staple constituent parts of those devices, that embody a material part of the inventions described in the '218 patent. The Accused Devices are known by LG to be especially made or especially adapted for use in infringement of the '218 patent. The Accused Devices are not staple articles or commodities suitable for substantial, non-infringing use.

76. Specifically, LG sells the Accused Devices, with knowledge that the devices infringe, through wholesale channels to resellers and consumers. Consumers of the '218 Accused Devices directly infringe the '218 patent.

77. Kodak put LG on notice of the '218 patent and LG's infringement thereof at least as early as February 2, 2004 through correspondence from Kodak's representatives to LG. See Exhibit 23 (Letter to LG).

## **3. Inducement of Infringement**

78. Each of LG Electronics, Inc., LG Electronics USA, Inc., and LG Electronics MobileComm USA, Inc. has also induced, and continues to induce, others to infringe the '218 patent in violation of 35 U.S.C § 271, by encouraging and facilitating others to perform actions known by LG to be acts of infringement of the '218 patent with intent that those performing the acts infringe the '218 patent. LG, upon information and belief, contracts for the distribution of the infringing mobile devices for sale such as by retail sales outlets, markets the '218 Accused



Devices, creates and/or distributes user manuals for the '218 Accused Devices, and supplies warranty coverage for the Accused Devices sold in the United States.

## **VI. IMPORTATION**

### **A. Samsung's Imported Products that Infringe the '335 and '218 Patents**

79. On information and belief, Samsung is importing, selling for importation, and/or selling within the United States after importation, certain mobile devices featuring digital cameras that infringe at least claims 1 and 4 of the '335 patent and claims 15, 23, 24, 25, 26, and 27 of the '218 patent.

80. Samsung offers the Accused Devices for sale to retailers of mobile devices with the knowledge and expectation that the retailers intend to sell such items within the United States.

81. Kodak has obtained in the United States Samsung mobile devices that have been imported into the United States from abroad. For example, Kodak has obtained the Samsung SGH-i617 (BlackJack II) mobile telephone. A copy of the sales receipt for this mobile telephone, purchased at WalMart in Canandaigua, New York on August 24, 2008 is attached to this Complaint as Exhibit 27.

82. As shown in the photographs included in Exhibit 28, the physical casing of the Samsung SGH-i617 (BlackJack II) mobile telephone is marked as "made in Korea."

### **B. LG's Imported Products that Infringe the '335 and '218 Patents**

83. On information and belief, LG is importing, selling for importation, and/or selling within the United States after importation, certain mobile devices featuring digital cameras that infringe at least claims 1 and 4 of the '335 patent and claims 15, 23, 24, 25, 26, and 27 of the '218 patent.

84. LG offers the Accused Devices for sale to retailers of mobile devices with the knowledge and expectation that the retailers intend to sell such items within the United States.

85. Kodak has obtained in the United States LG mobile devices that have been imported into the United States from abroad. For example, Kodak has obtained the LG VX9700 (Dare) mobile telephone. A copy of the sales receipt for this mobile telephone, purchased at Best Buy in Henrietta, New York on November 5, 2008 is attached to this Complaint as Exhibit 29.

86. As shown in the photographs included in Exhibit 30, the physical casing of the LG VX9700 (Dare) mobile telephone is marked as “made in Korea.”

### **C. HTSUS Classification**

87. Upon information and belief, Respondents’ infringing products may be classified under at least the following subheadings of the Harmonized Tariff Schedule of the United States: 8471.30, 8517.12.

## **VII. RELATED LITIGATION**

88. On February 23, 2001, Kodak filed a complaint for patent infringement against Sanyo Electric Company, Ltd., Sanyo North American Company, Sanyo Fisher Company, Seiko Epson Corporation, U.S. Epson Inc., Epson America, Inc., Agfa-Gevaert, N.V., and Agfa Corporation in Civil Action No. 6:01-cv-06091-MAT in the United States District Court for the Western District of New York, asserting infringement of the ‘335 patent, among others. The case was voluntarily dismissed on April 3, 2001.

89. On March 8, 2004, Kodak filed a complaint for patent infringement against Sony Corporation, Sony Corporation of America, and Sony Electronics Inc. in Civil Action No. 04-CV-6095T in the United States District Court for the Western District of New York, asserting infringement of the ‘335 and ‘218 patents, among others. Kodak added Sony Ericsson Mobile Communications AB and Sony Ericsson Mobile Communications (USA) Inc. as defendants by

an amended complaint dated July 16, 2004. As a result of a settlement reached among the parties, the district court dismissed all claims and counterclaims in the case with prejudice on January 3, 2007, before the claims had been construed.

90. On July 25, 2007, Kodak filed a complaint for patent infringement against Matsushita Electric Industrial Company, Ltd., Panasonic Corporation of North America, Victor Company of Japan, Ltd. (JVC), and JVC Americas Corporation in Civil Action No. 07-CV-00352 in the United States District Court for the Eastern District of Texas, asserting infringement of the '335 and '218 patents, among others. Before an answer was filed, the parties reached a settlement, and the district court dismissed all claims with prejudice on January 8, 2008.

91. On November 17, 2008, concurrently with the present action, Kodak filed two complaints for patent infringement against Samsung Electronics Company, Ltd., Samsung Electronics America, Inc., Samsung Telecommunications America, Inc., LG Electronics, Inc., LG Electronics USA, Inc., and LG Electronics MobileComm USA in the United States District Court for the Western District of New York, one asserting infringement of the '335 and '218 patents, and another asserting infringement of two other Kodak patents.

## **VIII. DOMESTIC INDUSTRY**

92. Pursuant to Section 337(a)(3), a domestic industry exists in connection with the '335 and '218 patents.

### **A. The '218 Patent**

93. All of Kodak's digital cameras embody the invention of at least claim 15 of the '218 patent. Attached to this Complaint as Exhibit 31 is a claim chart showing how the Kodak EasyShare Z1085 camera meets all limitations of claim 15 of the '218 patent. Materials supporting the claim chart analysis are attached to this Complaint as Exhibits 31A to 31C.

94. Although Kodak does not presently manufacture its digital cameras in the United

States, Kodak employees in the United States have continuously developed advanced technologies to support the digital cameras that incorporate the inventions claimed in the '218 patent. Confidential Exhibit 32 attached to this Complaint shows the amounts invested by Kodak in research and development in support of its digital cameras that incorporate the inventions claimed in the '218 patent. Confidential Exhibit 32 also shows the number and location of employees engaged in the same research. The digital cameras that result from Kodak's research and development work have generated significant camera sales in the United States for Kodak. Confidential Exhibit 33 shows the revenues for Kodak's Consumer Digital Imaging Group, which includes digital camera sales, in the United States from 2005 through 2007.

95. Kodak has invested significant amounts in the United States to exploit the '218 patent through licensing. Kodak's investment in licensing includes use of consultants to assist in licensing the '218 patent and asserting the '218 patent in litigation. In addition, Kodak employs staff to evaluate, pursue, and execute licenses for its digital imaging patents, including the '218 patent. The '218 patent is a key patent in the Kodak digital imaging patent portfolio. The '218 patent has been specifically asserted during licensing negotiations in which licensees have agreed to take a license under Kodak's digital imaging patent portfolio and is specifically highlighted in numerous license agreements.

96. Confidential Exhibit 34 attached to this Complaint shows the amounts invested by Kodak in the United States on licensing its digital imaging technology, including the '218 patent. Confidential Exhibit 35 attached to this Complaint shows Kodak's revenues for the last three years from licensing its digital imaging technology, including the '218 patent.

**B. The '335 Patent**

97. Kodak has also invested significant amounts in the United States to exploit the

'335 patent through licensing. Kodak's investment in licensing includes use of consultants to assist in licensing the '335 patent and asserting the '335 patent in litigation. In addition, Kodak employs staff to evaluate, pursue, and execute licenses for its digital imaging patents, including the '335 patent. The '335 patent is a key patent in the Kodak digital imaging patent portfolio. The '335 patent has been specifically asserted during licensing negotiations in which licensees have agreed to take a license under Kodak's digital imaging patent portfolio and is specifically highlighted in numerous license agreements.

98. Confidential Exhibit 34 attached to this Complaint shows the amounts invested by Kodak in the United States on licensing its digital imaging technology, including the '335 patent. Confidential Exhibit 35 attached to this Complaint shows Kodak's revenues for the last three years from licensing its digital imaging technology, including the '335 patent.

## **IX. RELIEF**

WHEREFORE, by reason of the foregoing, Kodak requests that the United States International Trade Commission:

- a. Institute an immediate investigation pursuant to Section 337(b)(1) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of that section based upon the unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation of Respondents' mobile devices that infringe one or more claims of the '335 and '218 patents;
- b. Render a determination that the importation, sale for importation, and/or sale after importation of Respondents' infringing mobile devices constitute one or more violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337;

- c. Issue a permanent exclusion order pursuant to Section 337(d) of the Tariff Act of 1930, as amended, excluding from entry into the United States all of Respondents' mobile devices that infringe one or more claims of the '335 and '218 patents; and
- d. Issue permanent cease and desist orders pursuant to Section 337(f) of the Tariff Act of 1930, as amended, prohibiting the importation into the United States, sale, offer for sale, or marketing within the United States of any of Respondents' mobile devices that infringe one or more claims of the '335 and '218 patents.

Dated: November 17, 2008

Respectfully submitted,



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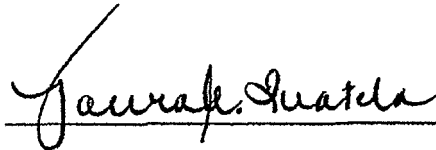
## VERIFICATION

I, LAURA G. QUATELA, am VICE PRESIDENT for Eastman Kodak Company and am duly authorized to execute this complaint on behalf of Eastman Kodak Company. I have read the Complaint and am aware of its contents. To the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, I hereby certify as follows:

1. The complaint is not being presented for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of the investigation.
2. The claims and other legal contentions in the complaint are warranted by existing law or nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and
3. The allegations and other factual contentions in the complaint have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on November 16, 2008.

  
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